

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PENDLETON DIVISION**

DANIELLE BINGHAM,

Plaintiff,

vs.

Acting Commissioner of the Social
Security Administration,

Defendant.

Case No. 2:23-cv-00429-YY

**ORDER GRANTING PLAINTIFF'S
PETITION FOR EAJA FEES**

BEFORE THE COURT is Plaintiff's motion for an award of attorney fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412. (Ct. Rec. 22.) Attorney CHAD HATFIELD represents Plaintiff, United States Attorney for the District of Oregon, Natalie Wight, Civil Division Chief, Kevin Danielson and Special Assistant United States Attorney Shata Stucky, represent the Defendant. We attempted to reach opposing council on our motion for EAJA fees and received no response.

On June 11, 2024, this Court issued its PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT/ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (Ct. Rec. 20/21). Plaintiff now moves for an award of attorney fees pursuant to EAJA (Ct. Rec. 22.)

1 The EAJA provides for an award of attorney fees to private litigants who both prevail in
 2 civil actions (other than tort) against the United States and timely file a petition for fees. 28
 3 U.S.C. §2412(d)(2)(A). Under the EAJA, the court shall award attorney fees to the prevailing
 4 party unless it finds the government's position was "substantially justified or that special
 5 circumstances make such an award unjust." 28 U.S.C. §2412(d)(1)(A).
 6

7 Plaintiff seeks attorney fees of \$7,705.53 based on an attorney fee rate of \$244.62 per
 8 hour for 23.8 hours in 2022, \$244.62 per hour for 7.7 hours worked in 2024. Accordingly, after
 9 review,
 10

11 **IT IS ORDERED:**

12 (1) The Plaintiff's Motion (Ct. Rec. 22.) is **GRANTED**. The Commissioner is
 13 directed to pay Plaintiff EAJA fees of \$7,705.53.

14 (2) The award to plaintiff shall be delivered or otherwise transmitted to plaintiff's
 15 attorney of record. Address for the attorney for the Plaintiff:

16 Chad Hatfield
 17 8131 W Klamath Ct, Ste D
 18 Kennewick, WA 99336

19 (3) EAJA fees, expenses, and costs are subject to any offsets allowed under the
 20 Treasury Offset Program (TOP), as discussed recently in *Astrue v. Ratliff*, ____ U.S. ____
 21 (2010), 130 S. Ct. 2521, 2522 (2010). No costs or expenses are awarded.

22 (4) The District Court Executive is directed to file this Order, provide a copy to
 23 plaintiff as the prevailing party, plaintiff's counsel, and defendant's counsel, and **CLOSE** the
 24 file.
 25

26 **IT IS SO ORDERED.**

27 DATED this 18th day of September, 2024.
 28

_____/s/ Youlee Yim You_____
YOULEE YIM YOU
UNITED STATES MAGISTRATE JUDGE